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LETTER DATED 31 DECEMBER 1997 FROM THE CHAIRMAN OF THE SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 748 (1992) CONCERNING THE LIBYAN ARAB JAMAHIRIYA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 748 (1992) concerning the Libyan Arab Jamahiriya, containing an account of the Committee's activities since the beginning of 1997. The present report, which was adopted by the Committee on 19 December 1997, is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(Signed) Zbigniew Maria WLOSOWICZ
Chairman
Security Council Committee
established pursuant to
resolution 748 (1992)
concerning the
Libyan Arab Jamahiriya

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Annex

Report of the Security Council Committee established pursuant to resolution 748 (1992) concerning the Libyan Arab Jamahiriya

I. INTRODUCTION

1. The Committee adopted the present report on 19 December 1997. The purpose of the report is to present a factual summary of the Committee's activities during the calendar year 1997, in accordance with the transparency measures outlined by the President of the Security Council on 29 March 1995 (S/1995/234). During 1997, the Committee held seven meetings and handled over 100 incoming communications relating to various aspects of the implementation of the mandatory sanctions, as well as a comparable number of replies.

II. SUMMARY OF THE COMMITTEE'S WORK

A. Guidelines of the Committee

2. The Committee's bureau, as elected at the Committee's first meeting of each year, consists of a Chairman and two Vice-Chairmen. The Chairman of the Committee is elected in his/her personal capacity for the calendar year, while two delegations are elected to provide the Vice-Chairmen for the year, all three constituting the bureau of the Committee. For 1997, the bureau consisted of H.E. Zbigniew Maria Wlosowicz (Poland) as Chairman, with the delegations of Portugal and the Republic of Korea providing the two Vice-Chairmen.

B. Humanitarian flights

3. Pursuant to paragraph 9 (e) of resolution 748 (1992), and at the suggestion of the United Nations Resident Coordinator in Tripoli, the Committee, at its 13th meeting, on 14 October 1992, approved special arrangements for emergency medical evacuation by air (MEDEVAC) from the Libyan Arab Jamahiriya. Instructions and procedures concerning the measures so approved by the Committee were transmitted to all States and international organizations on 16 October 1992.

4. The Committee subsequently, at its 59th meeting, on 17 July 1995,[a] approved further procedures and arrangements concerning the authorization and monitoring procedures for MEDEVAC flights from the Libyan Arab Jamahiriya and the related issue of the maintenance and supply of spare parts for the pre-designated four Libyan air ambulances as an annex to the Special Arrangements for Emergency Medical Evacuations by Air from the Libyan Arab Jamahiriya, adopted previously by the Committee at its 13th meeting, on 14 October 1992.

5. During 1997, the Committee approved 70 emergency MEDEVAC flights, while during 1996, 63 were approved.

6. On 19 March 1997 the Committee approved a request dated 5 March 1997 from Egypt for 45 flights on Egypt Air from Cairo to Tripoli and Benghazi and on to Jeddah, and an equal number of return flights, for the purpose of transporting Libyan pilgrims to perform the Haj.

7. As in the previous year, the Committee approved the Egyptian request with the following conditions: (a) the Government of Egypt will communicate to the Committee in advance the exact schedule, routing and aircraft registration number for each flight; (b) all flights shall be direct, non-stop between the authorized destinations; (c) none of the aircraft shall be owned by, leased from or controlled by the Libyan Arab Jamahiriya or any Libyan entity; (d) neither the Government nor the public authorities of the Libyan Arab Jamahiriya nor any Libyan undertaking shall, directly or indirectly, benefit financially from such flights, pursuant to paragraph 3 (a) and (b) of Security Council resolution 883 (1993); and (e) pursuant to the guidelines approved by the Committee, the aircraft must be inspected to ensure that they are operating exclusively for the declared humanitarian purposes and in accordance with the relevant provisions of Security Council resolution 748 (1992). Accordingly, these inspections were effected in the same manner as last year.[b]

C. Violations

8. At its 3734th meeting, on 29 January 1997, the Security Council indicated, through a statement read by its President (S/PRST/1997/2), that the announcement by the Libyan authorities that Libyan Arab Airways would resume international flights out of the Libyan Arab Jamahiriya immediately (S/1997/52), was incompatible with Council resolution 748 (1992), which prohibits all international flights to and from that country. The Council also took note of reports that a Libyan-registered aircraft had flown from Tripoli to Accra on 21 January 1997, in apparent violation of resolution 748 (1992) and asked the Sanctions Committee to follow up on the matter. Furthermore, the Council drew the attention of Member States to their obligations under resolution 748 in the event that Libyan-registered aircraft seek to land in their territory. At its 73rd meeting, held on 3 February 1997, the Committee considered action pursuant to the presidential statement. In this connection, the Committee decided to address letters to the Permanent Representatives of Ghana and the Libyan Arab Jamahiriya to the United Nations, seeking further information on the above incident.

9. At its 3761st meeting, on 4 April 1997, in a statement by the President of the Security Council (S/PRST/1997/18), the Council cited the 29 March flight of a Libyan-registered aircraft from Tripoli to Jeddah, Saudi Arabia, as a clear violation of the sanctions regime and called upon its Government to refrain from any further violations. The Council also requested its Committee monitoring the sanctions against the Libyan Arab Jamahiriya to draw the attention of Member States to their obligations under Security Council resolution 748 (1992) in the event of Libyan-registered aircraft landing in their territory. On 11 April 1997, the Committee approved the text of a note verbale to be addressed to all Member States, as called for in the presidential statement.

10. As a result of the informal consultations conducted on 13 May 1997 by the Security Council on the recent visits by the Head of State of the Libyan Arab Jamahiriya to Nigeria and Niger (in violation of Security Council resolution 748 (1992)), the President of the Council decided to forward the subject matter to the Committee in order to gather the facts and to report back to the Council. The Committee met on 15 and 19 May 1997 and decided that: (a) the flights by the Libyan Head of State were unauthorized; and (b) they constituted a breach of the sanctions regime. The Committee also took due note of the contents of the communications addressed to the Chairman by the Libyan Arab Jamahiriya, Nigeria and Niger. The Chairman briefed the Security Council on 20 May 1997 on the decision arrived at by the Committee. At the 3777th meeting of the Security Council, held on 20 May 1997, the President made a statement on behalf of the Council concerning this incident (S/PRST/1997/27).

III. REVIEWS BY THE SECURITY COUNCIL

11. On 12 August and 9 December 1992, the Security Council held informal consultations pursuant to paragraph 13 of resolution 748 (1992), by which the Council decided to review every 120 days or sooner, should the situation so require, the measures imposed by paragraphs 3 to 7 against the Libyan Arab Jamahiriya in the light of the compliance by the Libyan Government with paragraphs 1 and 2 of the resolution, taking into account as appropriate, any reports provided by the Secretary-General in his role as set out in paragraph 4 of resolution 731 (1992). So far, the Security Council has undertaken 17 such reviews.

12. In 1997, the Council undertook three reviews, on 14 March, 10 July and 7 November. On those occasions, the members found that conditions did not exist for modifying the regime of sanctions established by the Council in paragraphs 3 to 7 of resolution 748 (1992).

Notes

[a] See SC/6070.

[b] See SC/6343.